



Billing Code: 4510-43-P

**DEPARTMENT OF LABOR**

**Mine Safety and Health Administration**

**[OMB Control No. 1219-0150]**

**Proposed Extension of Information Collection; Pattern of Violations**

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Request for public comments.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: requested data can be provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Pattern of Violations.

**DATES:** All comments must be received on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may submit comment as follows. Please note that late, untimely filed comments will not be considered.

**Electronic Submissions:** Submit electronic comments in the following way:

- Federal eRulemaking Portal:

<https://www.regulations.gov>. Follow the instructions for submitting comments for MSHA-2022-0014. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket, with no changes. Because your comment will be made public, you are responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as your or anyone else's Social Security number or confidential business information.

- If your comment includes confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission.

**Written/Paper Submissions:** Submit written/paper submissions in the following way:

- Mail/Hand Delivery: Mail or visit DOL-MSHA, Office of Standards, Regulations, and Variances, 201 12<sup>th</sup> Street South, Suite 4E401, Arlington, VA 22202-5452. Before visiting MSHA in person, call 202-693-9455 to make an appointment, in keeping with the Department of Labor's

COVID-19 policy. Special health precautions may be required.

- MSHA will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at <https://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** S. Aromie Noe, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at [MSHA.information.collections@dol.gov](mailto:MSHA.information.collections@dol.gov) (email); (202) 693-9440 (voice); or (202) 693-9441 (facsimile).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811(a), authorizes the Secretary of Labor to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

Under the Mine Act, MSHA is required to issue a pattern of violations notice to any mine operator that demonstrates a disregard for the health and safety of miners through a pattern of significant and substantial violations. A significant and substantial violation is one

that contributes to a safety or health hazard that is reasonably likely to result in a reasonably serious injury or illness. The pattern of violations provision helps to ensure that mine operators manage health and safety conditions at mines and find and fix the root causes of significant and substantial violations before they become a hazard to miners. The issuance of a pattern of violations notice provides additional incentive for chronic violators to comply with the Mine Act and MSHA's safety and health standards. In determining whether to issue a pattern of violations notice, MSHA reviews any mitigating circumstances, in accordance with paragraph 30 CFR 104.2(a)(8). Among the mitigating circumstances that MSHA could consider is an approved corrective action program that has succeeded in reducing significant and substantial violations.

## **II. Desired Focus of Comments**

MSHA is soliciting comments concerning the proposed information collection related to Pattern of Violations. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden related to the information collection, including the

validity of the methodology and assumptions used in the estimate;

- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the information collection on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Background documents related to this information collection request are available at <https://regulations.gov> and at DOL-MSHA located at 201 12<sup>th</sup> Street South, Suite 4E401, Arlington, VA 22202-5452. Questions about the information collection requirements may be directed to the person listed in the FOR FURTHER INFORMATION section of this notice.

### **III. Current Actions**

This information collection request concerns provisions for pattern of violations. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

*Type of Review:* Extension, without change, of a currently approved collection

*Agency:* Mine Safety and Health Administration

*OMB Number:* 1219-0150

*Affected Public:* Business or other for-profit

*Number of Respondents:* 6

*Frequency:* On occasion

*Number of Responses:* 12

*Annual Burden Hours:* 304 hours

*Annual Respondent or Recordkeeper Cost:* \$800

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at <https://www.reginfo.gov>.

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Song-ae Aromie Noe  
*Certifying Officer*

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